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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/690,468	10/20/2003	Steve Clayton	101948083US	4838
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PERKINS COIE LLP PATENT-SEA P.O. BOX 1247 SEATTLE, WA 98111-1247			PHUONG, DAI	
			ART UNIT	PAPER NUMBER
			2685	

DATE MAILED: 09/13/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b> 10/690,468	<b>Applicant(s)</b> CLAYTON, STEVE	
	<b>Examiner</b> Dai A. Phuong	<b>Art Unit</b> 2685	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) ☒ Responsive to communication(s) filed on 20 October 2003.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) ☒ Claim(s) 1-40 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-40 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 20 October 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |   |   |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)  | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date <u>08/13/2004</u> . | 6) <input type="checkbox"/> Other: _____  |

**DETAILED ACTION**

***Claim Rejections - 35 USC § 103***

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 1-23 and 27-37 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kim (Pub. No: 2004/0053610) in view of Chiczewski et al. (Pub. No: 2004/0252821).

Regarding claim 1, Kim discloses a mobile communications system in a communications network configured for portability of mobile phone numbers, the system comprising: at least one data store for storing information identifying a mapping between a customer's portable phone number and a unique routable number, wherein the routable number allows calls made to the customer using the portable phone number to be routed to a portion of the mobile communications network associated with a mobile communications service provider ([0048], [0053] to [0057]); an administration subsystem for facilitating the storage of information in the data store ([0048], [0053] to [0057]).

However, Kim does not disclose a mobile communications system in a communications network configured for portability of mobile phone numbers, the system comprising: a customer data subsystem for storing customer data records, wherein the customer data records include authorization information associated with a request by the customer to prevent unauthorized porting of the portable phone number.

In the same field of endeavor, Chiczewski et al. disclose a mobile communications system in a communications network configured for portability of mobile phone numbers, the system comprising: a customer data subsystem for storing customer data records, wherein the customer data records include authorization information associated with a request by the customer to prevent unauthorized porting of the portable phone number ([0044], [0046] and [0050]).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the mobile subscriber of Kim by specifically including a customer data subsystem for storing customer data records, wherein the customer data records include authorization information associated with a request by the customer to prevent unauthorized porting of the portable phone number, as taught by Chiczewski et al., the motivation being in order to provide a method for removing a protection associated with a customer's account that prevents a change of the customer's service provider

Regarding claim 2, the combination of Kim and Chiczewski et al. disclose all the limitations in claim 1. Further, Chiczewski et al. discloses the system wherein the request for unauthorized porting prevents mapping of the portable phone number to a routable number associated with an unauthorized mobile communications service provider ([0044], [0046] and [0050] and [0057]).

Regarding claim 3, the combination of Kim and Chiczewski et al. disclose all the limitations in claim 1. Further, Chiczewski et al. disclose the system wherein the data store is readable by multiple mobile communications service providers within the communications network ([0044], [0046] and [0050] and [0057]).

Regarding claim 4, the combination of Kim and Chiczewski et al. disclose all the limitations in claim 1. Further, Chiczewski et al. disclose the system mobile communications service provider has permission to write to the data store ([0061] to [0064]).

Regarding claim 5, the combination of Kim and Chiczewski et al. disclose all the limitations in claim 1. Further, Kim discloses the wherein the administration subsystem has exclusive permission to write to the data store ([0053] to [0057]).

Regarding claim 6, the combination of Kim and Chiczewski et al. disclose all the limitations in claim 1. Further, Kim discloses the system wherein the at least one data store comprises multiple regional data stores ([0013] and [0048]).

Regarding claim 7, the combination of Kim and Chiczewski et al. disclose all the limitations in claim 1. Further, Kim discloses the system wherein the at least one data store comprises a single network-wide data store ([0013] and [0048]).

Regarding claim 8, Kim discloses in a communications system including a mobile communications network configured to allow portability of mobile phone numbers, a method for preventing unauthorized switching of mobile communications service providers, the method comprising: associating a portable phone number with a customer and with a first mobile communications service provider ([0053]); storing a record of the association between the portable phone number and the first mobile communications service provider in at least one data store that is accessible by multiple communications service providers within the mobile communications network ([0048]); receiving a request for porting the portable phone number, wherein the porting includes associating a second mobile communications service provider with

the assigned portable phone number ([0056] and [0057]); and if the customer has authorized the requested porting, storing in the at least one data store a record of a new association between the second mobile communications service provider and the portable phone number ([0055] to [0057]).

However, Kim does not disclose in a communications system including a mobile communications network configured to allow portability of mobile phone numbers, a method for preventing unauthorized switching of mobile communications service providers, the method comprising: based on the request, analyzing a customer data record to determine whether the customer has authorized the requested porting by providing authorization information known by the customer.

In the same field of endeavor, Chiczewski et al. disclose based on the request, analyzing a customer data record to determine whether the customer has authorized the requested porting by providing authorization information known by the customer ([0044], [0046] and [0050]).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the mobile subscriber of Kim by specifically including analyzing a customer data record to determine whether the customer has authorized the requested porting by providing authorization information known by the customer, as taught by Chiczewski et al., the motivation being in order to provide a method for removing a protection associated with a customer's account that prevents a change of the customer's service provider

Regarding claim 9, the combination of Kim and Chiczewski et al. disclose all the limitations in claim 8. Further, Kim discloses the method wherein the assigned portable phone

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number is associated with the first mobile communications service provider using a first identifier unique to the first mobile communications service provider, and wherein the assigned portable phone number is associated with the second mobile communications service provider using a second identifier unique to the second mobile communications service provider ([0024] to [0026] and [0053] to [0057]).

Regarding claim 10, the combination of Kim and Chiczewski et al. disclose all the limitations in claim 8. Further, Kim discloses the method wherein the assigned portable phone number is associated with the first mobile communications service provider using a routing number unique to the first mobile communications service provider, and wherein the routing number allows calls made to the customer using the assigned portable phone number to be routed to portions of the mobile communications network associated with the first mobile communications service provider ([0024] to [0026] and [0053] to [0057]).

Regarding claim 11, the combination of Kim and Chiczewski et al. disclose all the limitations in claim 8. Further, Kim discloses the method wherein the assigned portable phone number is associated with the second mobile communications service provider using a routing number unique to the second mobile communications service provider, and wherein the routing number allows calls made to the customer using the assigned portable phone number to be routed to portions of the mobile communications network associated with the second mobile communications service provider ([0024] to [0026] and [0053] to [0057]).

Regarding claim 12, the combination of Kim and Chiczewski et al. disclose all the limitations in claim 8. Further, Chiczewski et al. disclose the method wherein a third party

administrator has permission to write to the at least one data store used to the store the record of the association between the assigned portable phone number and the first mobile communications service provider ([0064] to [0067] and [0069] to [0070]).

Regarding claim 13, the combination of Kim and Chiczewski et al. disclose all the limitations in claim 8. Further, Chiczewski et al. disclose the method wherein the at least one mobile communications service provider has permission to write to the at least one data store used to the store the record of the association between the assigned portable phone number and the first mobile communications service provider ([0064] to [0067] and [0069] to [0070])..

Regarding claim 14, the combination of Kim and Chiczewski et al. disclose all the limitations in claim 8. Further, Kim discloses the method wherein the customer provides the password to the second mobile communications service provider, and wherein the request for porting includes the password ([0050], [0053] and [0057] and [0054]).

Regarding claim 15, the combination of Kim and Chiczewski et al. disclose all the limitations in claim 8. Further, Kim discloses the method wherein the request for porting does not include the password, and wherein the customer provides the password to the first mobile communications service provider prior to the analyzing of the request ([0053] to [0054]).

Regarding claim 16, Kim discloses in a communications system including a mobile communications network configured to allow portability of mobile phone numbers, a method for preventing unauthorized switching of mobile communications service providers, the method comprising: the assigned portable phone number so that calls made to the customer using the



assigned portable phone number are routed to portions of the mobile communications network associated with the unauthorized mobile communications service provider ([0053] to [0057])

However, Kim does not disclose receiving a request to prevent unauthorized porting of a portable phone number assigned to a customer, wherein the unauthorized porting comprises creating an association between an unauthorized mobile communications service provider; storing a record of the request to prevent unauthorized porting of the assigned portable phone number; and storing customer authorization information associated with authorizing porting of the assigned portable phone number.

In the same field of endeavor, Chiczewski et al. disclose receiving a request to prevent unauthorized porting of a portable phone number assigned to a customer, wherein the unauthorized porting comprises creating an association between an unauthorized mobile communications service provider ([0046] and [0056] to [0057]); storing a record of the request to prevent unauthorized porting of the assigned portable phone number ([0056] to [0057]); and storing customer authorization information associated with authorizing porting of the assigned portable phone number ([0056] to [0057]).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the mobile subscriber of Kim by specifically including receiving a request to prevent unauthorized porting of a portable phone number assigned to a customer, wherein the unauthorized porting comprises creating an association between an unauthorized mobile communications service provider; storing a record of the request to prevent unauthorized porting of the assigned portable phone number; and storing customer authorization information

associated with authorizing porting of the assigned portable phone number, as taught by Chiczewski et al., the motivation being in order to provide a method for removing a protection associated with a customer's account that prevents a change of the customer's service provider

Regarding claim 17, the combination of Kim and Chiczewski et al. disclose all the limitations in claim 16. Further, Chiczewski et al. disclose the method wherein the customer authorization information associated with authorizing porting of the portable phone number includes a password, and wherein the password is later provided before the completion of a porting request ([0057] and [0064]).

Regarding claim 18, the combination of Kim and Chiczewski et al. disclose all the limitations in claim 8. Further, Kim discloses the method wherein a third party database administrator receives the request to prevent unauthorized porting ([0056] to [0057] and [0064] to [0065]).

Regarding claim 19, the combination of Kim and Chiczewski et al. disclose all the limitations in claim 8. Further, Kim discloses the method wherein an authorized communications service provider receives the request to prevent unauthorized porting ([0057] and [0064]).

Regarding claim 20, Kim discloses in a communications system including a mobile communications network configured to allow portability of mobile phone numbers, a method for preventing unauthorized switching of mobile communications service providers, the method comprising: associating a first routable number with a portable phone number, wherein the portable phone number is assigned to a customer ([0053] to [0054]), and wherein the first

routable number allows calls made to the customer using the portable phone number to be routed to portions of the mobile communications network associated with, a first mobile communications service provider ([0055] to [0057]); receiving from a second mobile communications service provider a request for porting the portable phone number ([0057]), wherein the porting includes associating a new routable number with the portable phone number, and wherein the new routable number allows calls made to the customer using the portable phone number to be routed to portions of the mobile communications network associated with the second mobile communications service provider ([0055] to [0057]).

However, Kim does not disclose the method comprising: based on the request for porting, sending a message to the customer, wherein the message requests that the customer provide authorization for the request for porting.

In the same field of endeavor, Chiczewski et al. disclose the method comprising: based on the request for porting, sending a message to the customer, wherein the message requests that the customer provide authorization for the request for porting ([0056] to [0057] and [0064] to [0065]).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the mobile subscriber of Kim by specifically including the method comprising: based on the request for porting, sending a message to the customer, wherein the message requests that the customer provide authorization for the request for porting, as taught by Chiczewski et al., the motivation being in order to provide a method for removing a protection associated with a customer's account that prevents a change of the customer's service provider.

Regarding claim 21, the combination of Kim and Chiczewski et al. disclose all the limitations in claim 21. Further, Kim discloses the method wherein the first routable number and the new routable number are mobile station identifiers (MSID) that are also specific to a mobile device owned by the customer ([0053] to [0057]).

Regarding claim 22, the combination of Kim and Chiczewski et al. disclose all the limitations in claim 21. Further, Kim discloses the method wherein the message sent to the customer is a voicemail message that the customer receives on a device associated with the assigned portable number ([0057] and [0064]).

Regarding claim 23, the combination of Kim and Chiczewski et al. disclose all the limitations in claim 21. Further, Kim discloses the method wherein the message sent to the customer is a text message that the customer receives on a device associated with the assigned portable number ([0057] and [0064]).

Regarding claim 27, the combination of Kim and Chiczewski et al. disclose all the limitations in claim 21. Further, Kim discloses the method wherein the customer is an employer of a user of a mobile device associated with the portable phone number ([0017] and [0018]).

Regarding claim 28, this claim is rejected for the same reason as set forth in claim 8.

Regarding claim 29, Kim discloses a method for preventing unauthorized switching of mobile communications service providers, the method comprising: receiving at a mobile communication device, an indication of a portable phone number associated with a first mobile service provider for use when calling the mobile communication device ([0017]) and [0053]).

However, Kim does not disclose receiving from a mobile communications service provider or a third party administrator, a notification of an option to prevent unauthorized switching of the first mobile service provider to a second mobile service provider, wherein the source has at least partial control of the switching; and based on the received notification, providing authorization information for storage at the mobile communications service provider or third party administrator, wherein the authorization information can later be provided by the customer to authorize a switch from the first mobile communications service provider to a second mobile communications service provider.

In the same field of endeavor, Chiczewski et al. disclose receiving from a mobile communications service provider or a third party administrator, a notification of an option to prevent unauthorized switching of the first mobile service provider to a second mobile service provider, wherein the source has at least partial control of the switching ([0056] to [0057] and [0064] to [0065]); and based on the received notification, providing authorization information for storage at the mobile communications service provider or third party administrator, wherein the authorization information can later be provided by the customer to authorize a switch from the first mobile communications service provider to a second mobile communications service provider ([0056] to [0057] and [0064] to [0065]).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the mobile subscriber of Kim by specifically including receiving from a mobile communications service provider or a third party administrator, a notification of an option to prevent unauthorized switching of the first mobile service provider to a second mobile service provider, wherein the source has at least partial control of the switching; and

based on the received notification, providing authorization information for storage at the mobile communications service provider or third party administrator, wherein the authorization information can later be provided by the customer to authorize a switch from the first mobile communications service provider to a second mobile communications service provider, as taught by Chiczewski et al., the motivation being in order to provide a method for removing a protection associated with a customer's account that prevents a change of the customer's service provider.

Regarding claim 30, this claim is rejected for the same reason as set forth in claim 20.

Regarding claim 31, the combination of Kim and Chiczewski et al. disclose all the limitations in claim 30. Further, Chiczewski et al. disclose the computer-readable medium wherein the computer-readable medium is a memory in the system of a mobile communications service provider or a memory in the system of a third party administrator ([0056] to [0057]). It is obviousness that the system includes a memory to store a script).

Regarding claim 32, the combination of Kim and Chiczewski et al. disclose all the limitations in claim 30. Further, Chiczewski et al. disclose the computer-readable medium wherein the computer-readable medium is a logical node in a computer network receiving the contents ([0055] to [0057]).

Regarding claim 33, the combination of Kim and Chiczewski et al. disclose all the limitations in claim 30. Further, Kim discloses the computer-readable medium wherein the computer-readable medium is a computer-readable disk ([0011] to [0013]).

Regarding claim 34, the combination of Kim and Chiczewski et al. disclose all the limitations in claim 30. Further, Chiczewski et al. disclose the computer-readable medium wherein the computer-readable medium is a data transmission medium carrying a generated data signal containing the contents ([0013] to [0017]).

Regarding claim 35, this claim is rejected for the same reason as set forth in claim 29.

Regarding claim 36, this claim is rejected for the same reason as set forth in claim 22.

Regarding claim 37, this claim is rejected for the same reason as set forth in claim 23.

3. Claims 24-26 and 38-40 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kim (Pub. No: 2004/0053610) in view of Chiczewski et al. (Pub. No: 2004/0252821) further in view of Iry et al. (Pub. No: 2004/0024646).

Regarding claim 24, the combination of Kim and Chiczewski et al. disclose all the limitations in claim 21. However, the combination of Kim and Chiczewski et al. do not disclose the method wherein the message sent to the customer is an email message.

In the same field of endeavor, Iry et al. disclose the method wherein the message sent to the customer is an email message ([0013] to [0014]).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the mobile subscriber of Kim by specifically including the method wherein the message sent to the customer is an email message, as taught by Iry et al., the motivation being in order to verify customer interest in switching service providers.

Regarding claim 25, the combination of Kim and Chiczewski et al. disclose all the limitations in claim 21. However, the combination of Kim and Chiczewski et al. do not disclose the method wherein the message requests the customer to provide authorization by dialing a number listed in the message.

In the same field of endeavor, Iry et al. disclose the method the message requests the customer to provide authorization by dialing a number listed in the message ([0013] to [0014]).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the mobile subscriber of Kim by specifically including the message requests the customer to provide authorization by dialing a number listed in the message, as taught by Iry et al., the motivation being in order to verify customer interest in switching service providers.

Regarding claim 26, the combination of Kim and Chiczewski et al. disclose all the limitations in claim 21. However, the combination of Kim and Chiczewski et al. do not disclose the method wherein the message requests the customer to provide authorization by sending a text message.

In the same field of endeavor, Iry et al. disclose the method wherein wherein the message requests the customer to provide authorization by sending a text message ([0013] to [0014]).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the mobile subscriber of Kim by specifically including wherein the message requests the customer to provide authorization by sending a text message, as taught



by Iry et al., the motivation being in order to verify customer interest in switching service providers.

Regarding claim 38, this claim is rejected for the same reason as set forth in claim 24.

Regarding claim 39, this claim is rejected for the same reason as set forth in claim 25.

Regarding claim 40, this claim is rejected for the same reason as set forth in claim 26.

### Conclusion

4. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Britt et al. (U.S. 6225517) routing calls to portable number in radio network

Alperovich et al. (U.S. 6505051) notification of subscriber service changes

Unger et al. (Pub. No: 2003/0219105) automated third party verification


English (Pub. No: 20030055723) vendor comparison, advertising and switching

5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Dai A Phuong whose telephone number is 571-272-7896. The examiner can normally be reached on Monday to Friday, 9:00 A.M. to 5:00 P.M..

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Edward Urban can be reached on 703-305-4385. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Dai Phuong  
AU: 2685  
Date: 09-01-2005

  
9-2-2005

NGUYEN T. VO  
PRIMARY EXAMINER